

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

RICKY LEE WEHMEYER,

Civil No. 11-330 MJD/AJB

Petitioner,

v.

O R D E R

TOM ROY, Commissioner of Corrections,

Respondent.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Arthur J. Boylan dated August 12, 2011, all the files and records, and no objections having been filed to said Recommendation,

IT IS HEREBY ORDERED that:

1. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2254, (Docket No. 1), is **DENIED**;
2. This action is **DISMISSED WITH PREJUDICE**; and
3. Petitioner is **NOT** be granted a Certificate of Appealability.

DATED: September 20, 2011.

s/Michael J. Davis
Chief Judge Michael J. Davis
U. S. District Court